

TESTIMONY OF CAROLYN CAVOLO, CHAIR OF THE  
CONNECTICUT BAR ASSOCIATION REAL PROPERTY SECTION

**IN SUPPORT OF**

**S.B. No. 99 (RAISED)** An Act Establishing a Working Group to Study Remote Notarial Acts and the Revised Uniform Law on Notarial Acts

Commerce Committee  
February 22, 2022

This testimony is being submitted on behalf of the Real Property Section of the Connecticut Bar Association in support of Raised Bill S.B. No. 99, An Act Establishing a Working Group to Study Remote Notarial Acts and the Revised Uniform Law on Notarial Acts. The Real Property Section consists primarily of attorneys in private practice who represent consumers, businesses, lenders and others involved in real estate transactions. Our members have a great interest in legislation pertaining to title to real property and in the possibility that notarial acts relating to real estate transactions might be done by remote online notarization or “RON” as it is commonly referred to.

RON is the act of acknowledging a document, or swearing to an affidavit, where the signers and the notarial officer are not in the same location, but instead are communicating in real time via computer technology. The Real Property Section has previously opposed bills establishing RON due to concerns that prior renditions of the legislation fell short of preserving the role of the attorney in real estate transactions and failed to adequately guard against the unauthorized practice of law in violation of Connecticut statute. The Real Property Section recognizes that RON has been adopted in most States and to that end, has engaged with other interested parties including representatives from the mortgage and banking industry, title insurance companies, and the

Connecticut Town Clerks Association in an effort to compose a bill that will address the concerns of all stakeholders.

The Connecticut Bar Association Real Property Section has been working with a a diverse Working Group of professionals within the town clerk's offices, banking, business, real estate and insurance industries, as well as professionals and representatives from local and state government at this juncture and all believe now is a good time to adopt a well crafted RON bill in Connecticut. The CBA has worked with the above groups in order to come up with what we believe is proposed legislation that implements RON, while at the same time protecting businesses and consumers in conducting real estate closings.

Support for a RON bill by the Connecticut Bar Association is contingent on the following as it relates to real estate closings, which provisions have been built in to the currently revised legislation:

- That the remote notarial act be performed by an attorney licensed to practice in Connecticut;
- That the attorney is physically located in Connecticut at the time of the notarial act;
- That the attorney represents the individual signing the document or represents the entity on whose behalf the individual is signing the document;
- That the attorney's Juris number is entered into the RON software as a prerequisite to signing and be inserted onto the document itself; and
- That interstate recognition not be given to RON signings performed in accordance with the RON laws of other jurisdictions.

During discussions with various stakeholders, some have proposed requiring that the attorney taking the remote acknowledgment maintain an office in Connecticut. While we would agree with this proviso, our support for the instant bill is not conditioned on such a proviso. In addition, our support of a RON bill is contingent on will, codicils and trust instruments being excluded from RON. There is a more appropriate uniform Act being released this summer that would be a more property vehicle for those type of estate planning documents.

We respectfully move this Committee to adopt RON in Connecticut in accordance with the attached proposed bill and in accordance with the protections recited above. Thank you.